



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Presentation and Recommendation Regarding Allowance of Parking of Class A Light Duty Tow Trucks, Which are on the Lodi Police Rotational Tow List, in Residential Areas in Advance of a Proposed Ordinance

MEETING DATE: February 20, 2008

PREPARED BY: David Main, Interim Chief of Police

RECOMMENDED ACTION: Consider an amendment to the existing Lodi City Ordinance 10.52.050, to allow for the parking of Class A Light Duty Tow Trucks, which are on the law enforcement rotational tow list, in residential areas.

BACKGROUND INFORMATION: This is the initial presentation of an issue addressing a tow truck exemption. The Lodi Police Department, California Highway Patrol, as well as the San Joaquin County Sheriff's Department, depend on quick and timely response from tow companies for clearing roadways of collision scenes as well as for impounding of vehicles towed pursuant to an arrest in the field.

Tow Vehicles are classified in four (4) different categories:

- | | |
|-------------------------------|---|
| 1. Class A – Light Duty | Gross Vehicle Weight Rating of at least 14,000 pounds |
| 2. Class B – Medium Duty | Gross Vehicle Weight Rating of at least 26,001 pounds |
| 3. Class C – Heavy Duty | Gross Vehicle Weight Rating of at least 48,000 pounds |
| 4. Class D – Super Heavy Duty | Gross Vehicle Weight Rating of at least 52,000 pounds |

There are currently six tow companies on the Lodi Police Department rotation list with a total of twelve Class A light duty trucks operated in the City of Lodi. These trucks are often taken home by drivers so they can respond to calls for service after hours quickly.

In 2006 the Lodi Police Department ordered approximately 2,500 vehicles towed, most of which were either involved in a collision, towed as a result of an arrest, or the driver was unlicensed or had a suspended license. The City of Lodi has a contractual agreement with all tow companies on police rotation requiring them to respond to police department requests for service within 20 minutes. This minimum time requirement was established to minimize the time officers have to wait for responding tow trucks. The time requirement also allows for a quicker response to accident scenes where intersections may be blocked. It is imperative that tow companies respond safely and quickly and limit the time officers in the field have to wait for tow trucks.

APPROVED: _____
Blair King, City Manager

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The current City Ordinance does not allow for vehicles with a Gross Vehicle Weight Rating over 10,000 pounds to be parked in a residential area. There is currently no exemption listed in this ordinance allowing for on call police rotation tow trucks to park in residential areas.

If this amendment is not approved, tow truck drivers would have to first drive to their shops, obtain a truck, and then respond to the scene. This would result in unnecessary delays requiring officers to stand by and wait for tow trucks, taking them away from more pressing duties. Such delays could increase the stand by time to as much as 20 to 30 minutes depending upon where the driver lives. This equates to a total of approximately 800 additional hours that officers would have to stand by and wait for tow trucks. This not only impacts the Lodi Police Department, but the California Highway Patrol and the San Joaquin County Sheriffs Office, both of which use our rotational tows.

With the limited resources as well as the expansion of the City boundaries, staff recommends that City Ordinance 10.52.050 be amended, as attached hereto as Exhibit A, to exempt Class A, light duty, Rotational Tow Trucks from this ordinance, to the extent the trucks are actually on call.

FISCAL IMPACT: None

FUNDING AVAILABLE: N/A

David J. Main
Interim Chief of Police

JJA:slc
Cc: City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI
AMENDING CHAPTER 10.52, "REGULATION OF COMMERCIAL VEHICLE
TRAVEL AND PARKING," BY REPEALING AND RE-ENACTING SECTION
10.52.050 RELATING TO PARKING RESTRICTIONS

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LODI AS FOLLOWS:

SECTION 1. Chapter 10.52 "Regulation of Commercial Vehicle Travel and Parking" is hereby amended by repealing and re-enacting Section 10.52.050 relating to Parking Restrictions and shall read as follows:

10.52.050 Parking Restrictions.

A. It is unlawful to park a commercial vehicle exceeding a maximum gross vehicle weight rating (GVWR) of ten thousand pounds on any street in a residential district. For the purposes of this section, "residential district" means residentially zoned areas designated by the city zoning code (any "R" district) and includes schools, parks, playgrounds, community centers, churches, museums, golf courses (excluding miniature golf courses) and similar recreational uses of a noncommercial nature, and public utility service buildings where they are located in a residential district.

B. It is unlawful to park a commercial vehicle exceeding a maximum gross vehicle weight rating (GVWR) of ten thousand pounds on any street in a commercial or industrial zone except where specifically signed to allow commercial vehicle parking between the hours of seven p.m. and seven a.m. unless otherwise indicated. This subsection shall remain in effect until January 1, 2003, or until a private parking lot is developed or located in or near the city limits, at which time subsection C of this section shall become effective.

C. It is unlawful to park a commercial vehicle exceeding a maximum gross vehicle weight rating (GWR) of ten thousand pounds on any street in a commercial or industrial zone.

D. This section shall not prohibit parking of commercial vehicles in the process of being loaded or unloaded.

E. This Section shall not prohibit parking of Class A – Light Duty Tow Trucks, as defined by the California Highway Patrol, in residential areas where such trucks are actually on-call to provide emergency towing to any law enforcement agency pursuant to their rotational tow lists. Trucks parked pursuant to this exception must comply with the following requirements:

- 1) trucks may not be maintained or cleaned on site; and
- 2) operators must maintain for 3 months and produce, upon request, contemporaneous written logs reflecting which operators are on call at a particular time.

SECTION 2. No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner, which imposes upon the City, or any officer, employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of all liability for damages, except as otherwise imposed by law.

SECTION 3 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or

applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

SECTION 4. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 5. This ordinance shall be published one time in the "Lodi News-Sentinel," a daily newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this ____ day of ____, 2008

JOANNE L. MOUNCE
Mayor

Attest:

RANDI JOHL
City Clerk

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State of California
County of San Joaquin, ss.

I, Randi Johl, City Clerk of the City of Lodi, do hereby certify that Ordinance No. ____ was introduced at a regular meeting of the City Council of the City of Lodi held February 20, 2008, and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held ____, 2008, by the following vote:

AYES: COUNCIL MEMBERS –

NOES: COUNCIL MEMBERS –

ABSENT: COUNCIL MEMBERS –

ABSTAIN: COUNCIL MEMBERS –

I further certify that Ordinance No. ____ was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

RANDI JOHL
City Clerk

Approved as to Form:

D. STEPHEN SCHWABAUER
City Attorney